

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.339 OF 2020

1.Amish s/o Mahesh Ganatra.
Age 31 yrs, Occ: Nil
2. Mahesh Mathuradas Ganatra
Age 66 years, Occ: retired.
3.Sau Sarla w/o Mahesh Ganatra
Age 64 yrs, OCc: nil
All residents at A-102, Nilkanth
Prestige, Plot no.73, Opp.Saraswat
Bank, Old Panvel, Swami Nityanand Marg,
Panvel, Navi Mumbai, Dist-Raigad-410206 ... Applicants.

Vs.

1. The State of Maharashtra
through PSO, Panvel Police
Station, Panvel, District-Raigad 410206.
2. Tejal Amish Ganatra
Age 29 yrs, Occ: Housewife,
r/o Kirit Mathuradas Gadhiya,
Indranil Apartment, Peshwe Plot,
Dist-Yavatmal-445001 ... Respondents.

**CORAM: REVATI MOHITE DERE
& R.N.LADDHA, JJ.**

**DATE : 24 NOVEMBER, 2022.
(THROUGH VIDEO CONFERENCING)**

Mr.Abhijit Desai i/b Desai Legal for Applicants.
Mrs.PP Shinde,APP for State.
Mr.Rahul Lokhande, API, Panvel city.

...

ORDER (Per R.N.Laddha) :

Heard learned Counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned Counsel for the parties.

3. By this Application, the Applicants seek to quash the FIR No.350 of 2019 lodged with Panvel Police Station at the instance of Respondent No.2 for the alleged offences punishable under Sections 323, 498-A, 504, 506, r/w Section 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute and that Respondent No.2 has no objection to the quashing of the same.

4. Perused the papers. Applicant No.1 is the husband of Respondent No.2 and Applicants No. 2 and 3 are the in-laws of Respondent No.2. Applicant No.1 got married to Respondent No.2 on 14.3.2016. After marriage, Respondent No.2 started residing at her matrimonial home with the Applicants. Since there was marital discord/differences post marriage, Respondent No.2 lodged the FIR described above on 5.9.2019 vide CR no.350/2019 against the Applicants. Allegations of ill treatment and demand

for dowry were made.

5. In the meantime, during this Application's pendency, the parties have resolved their dispute amicably and entered into the Consent Terms. The Consent Terms/compromise petition was annexed to this Application as Exhibit 'C' (page no.20). As per the said Consent Terms/compromise petition, the parties have amicably settled their dispute. Both parties have mutually agreed to file a divorce petition. Respondent no.2 has received her 'Stridhan' from the Applicants. The parties have decided to withdraw all the allegations against one another and separate amicably. The parties assure that they will abide by the terms and conditions in the Consent Terms styled as a Compromise Petition (Exh.C,page 20). Learned Counsel for Respondent No.2 has tendered a photocopy of the affidavit dated 10.2.2021 of Respondent No.2. In the affidavit, she has stated that she has settled the instant matter amicably with Applicant No.1 and she does not want to proceed further in this matter. She submits that the issue is already agreed upon between the Applicants and herself. She has no objection to quashing the impugned FIR no.350 of 2019 registered with Panvel Police Station. Respondent no.2 is present before us through Video Conferencing. On questioning, she reiterates what is stated by her in her affidavit and

further states that she has no objection to the quashing of the FIR above bearing 350/2019 registered with Panvel Police Station against all the Applicants. Respondent No.2 has been identified by her Counsel. Her photograph was also annexed with the charge sheet. We are informed that the charge sheet is already filed against the Applicants.

6. The learned APP for Respondent No.1 submits that appropriate order may be passed.

7. The dispute being matrimonial, is a private dispute and in view of the above referred facts, and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², we see no impediment in allowing the petition. The petition is, accordingly, allowed and the FIR NO.350/2019 registered at Panvel Police Station and the criminal proceedings arising out of the same are hereby quashed and set aside.

8. Rule is made absolute in above terms. No costs.

R. N. Laddha,J.

Revati Mohite Dere,J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466